

full public participation, and shall consider the views of all interested agencies, organizations, and individuals.

(Pub. L. 99-504, title II, §203, Oct. 20, 1986, 100 Stat. 1804.)

#### Editorial Notes

##### REFERENCES IN TEXT

This subchapter, referred to in subsec. (e), was in the original “this Act”, meaning Pub. L. 99-504, Oct. 20, 1986, 100 Stat. 1802, known as the Nebraska Wilderness Act of 1985, which enacted this subchapter and provisions listed in a table of Wilderness Areas set out under section 1132 of this title. For complete classification of this Act to the Code, see Tables.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

#### SUBCHAPTER CIV—KLAMATH RIVER CONSERVATION AREA

#### § 460ss. Findings

The Congress finds that—

(1) the Klamath and Trinity Rivers have been placed under the California and National Wild and Scenic Rivers Systems to protect their outstanding anadromous fishery values;

(2) the Klamath and Trinity Rivers provide fishery resources necessary for Indian subsistence and ceremonial purposes, ocean commercial harvest, recreational fishing, and the economic health of many local communities;

(3) floods, the construction and operation of dams, diversions and hydroelectric projects, past mining, timber harvest practices, and roadbuilding have all contributed to sedimentation, reduced flows, and degraded water quality which has significantly reduced the anadromous fish habitat in the Klamath-Trinity River System;

(4) overlapping Federal, State, and local jurisdictions, inadequate enforcement of fishery harvest regulations, and ineffective fishery management have historically hampered fishery conservation efforts and prevented the Federal Government and the State of California from fulfilling their responsibilities to protect the rivers’ anadromous fishery values;

(5) the Klamath-Trinity fall chinook salmon populations have declined by 80 percent from historic levels and steelhead trout have also undergone significant reductions;

(6) Klamath River Basin Fisheries Resource Plan has been developed by the Secretary acting through the Bureau of Indian Affairs;

(7) the Klamath Salmon Management Group, a group of agencies with fishery management responsibility, has established, in cooperation with the users of the Klamath-Trinity River Basin fishery resources, a sound framework for the future coordination of fishery harvest management;

(8) a new Klamath-Trinity River Basin Management authority, composed of the Klamath

Salmon Management Group and representatives of users of the fishery resources of the Klamath-Trinity River Basin, is needed to ensure more effective long-term coordination of the Klamath-Trinity River fisheries under sound conservation and management principles that ensure adequate spawning escapement; and

(9) the Secretary has the authority to implement a restoration program only in the Trinity River Basin and needs additional authority to implement a restoration program in cooperation with State and local governments to restore anadromous fish populations to optimum levels in both the Klamath and Trinity River Basins;<sup>1</sup>

(Pub. L. 99-552, §1, Oct. 27, 1986, 100 Stat. 3080.)

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Section 8 of Pub. L. 99-552, as added by Pub. L. 100-653, title VI, §604, Nov. 14, 1988, 102 Stat. 3830, provided that: “This Act [enacting this subchapter] may be cited as the ‘Klamath River Basin Fishery Resources Restoration Act’.”

##### SALMON PLAN AND STUDY

Pub. L. 109-479, title I, §113(b), Jan. 12, 2007, 120 Stat. 3602, provided that:

“(1) RECOVERY PLAN.—Not later than 6 months after the date of enactment of this Act [Jan. 12, 2007], the Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public.

“(2) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources [now Committee on Natural Resources] on—

“(A) the actions taken under the recovery plan and other law relating to recovery of Klamath River Coho salmon, and how those actions are specifically contributing to its recovery;

“(B) the progress made on the restoration of salmon spawning habitat, including water conditions as they relate to salmon health and recovery, with emphasis on the Klamath River and its tributaries below Iron Gate Dam;

“(C) the status of other Klamath River anadromous fish populations, particularly Chinook salmon; and

“(D) the actions taken by the Secretary to address the calendar year 2003 National Research Council recommendations regarding monitoring and research on Klamath River Basin salmon stocks.”

#### § 460ss-1. Establishment

##### (a) In general

The Secretary shall designate the anadromous fish habitats and resources of the Klamath River basin as the Klamath River Basin Conservation Area (hereafter in this subchapter referred to as the “Area”).

##### (b) Restoration program

###### (1) Establishment

The Secretary shall, in consultation with the task force established under section 460ss-3 of this title, formulate, establish, and implement a 20-year program to restore the

<sup>1</sup> So in original. The semicolon probably should be a period.

anadromous fish populations of the Area to optimum levels and to maintain such levels. The program shall be based on the Klamath River Basin Fisheries Resource Plan referred to in section 460ss(6) of this title and shall be known as the Klamath River Basin Conservation Area Restoration Program.

**(2) Program activities**

In carrying out the objectives of the program, the Secretary, in cooperation with the task force established under section 460ss-3 of this title, shall—

(A) monitor and coordinate research evaluating the Area anadromous fish populations and administer and evaluate the success of activities described in subparagraph (B); and

(B) take such actions as are necessary to—

(i) improve and restore Area habitats, and to promote access to blocked Area habitats, to support increased run sizes;

(ii) rehabilitate problem watersheds in the Area to reduce negative impacts on fish and fish habitats;

(iii) improve existing Area hatcheries and rearing ponds to assist in rebuilding the natural populations;

(iv) implement an intensive, short-term stocking program to rebuild run sizes while maintaining the genetic integrity and diversity of Area subbasin stocks; and

(v) improve upstream and downstream migration by removal of obstacles to fish passage and the provision of facilities for avoiding obstacles.

**(3) Restoration work**

To the extent practicable, any restoration work performed under paragraph (2)(B) shall be performed by unemployed—

(A) commercial fishermen;

(B) Indians; and

(C) other persons whose livelihood depends upon Area fishery resources.

**(4) Memorandum of agreement**

In order to facilitate the implementation of any activity described in paragraph (2) over which the Secretary does not have jurisdiction, the Secretary shall enter into a memorandum of agreement with the Federal, State, and local agencies having jurisdiction over such activities, and the Area Indian tribes. The memorandum of agreement shall specify the program activities for which the respective signatories to the agreement are responsible and shall contain such provisions as are necessary to ensure the coordinated implementation of the program.

(Pub. L. 99-552, §2, Oct. 27, 1986, 100 Stat. 3081.)

**§ 460ss-2. Klamath Fishery Management Council**

**(a) Establishment**

There is established a Klamath Fishery Management Council (hereafter in this subchapter referred to as the “Council”).

**(b) Functions**

(1) The Council shall—

(A) establish a comprehensive long-term plan and policy, that must be consistent

with the goals of the program, for the management of the in-river and ocean harvesting that affects or may affect Klamath and Trinity River basin anadromous fish populations;

(B) make recommendations, that must be consistent with the plan and policy established under subparagraph (A) and with the standards in paragraph (2)—

(i) to the California Fish and Game Commission regarding in-river and offshore recreational harvesting regulations,

(ii) to the Oregon Department of Fish and Wildlife regarding offshore recreational harvesting regulations,

(iii) to the Pacific Fishery Management Council regarding ocean harvesting regulations,

(iv) to the Bureau of Indian Affairs regarding regulations for harvesting in the Area by non-Hoopa Indians, and

(v) to the Hoopa Valley Business Council regarding regulations for harvesting in the Area by members of the Hoopa Indian Tribe; and

(C) conduct public hearings on any regulation referred to in subparagraph (B)(i) through (v).

(2) Any recommendation made by the Council under paragraph (1)(B) regarding harvesting regulations shall—

(A) be based upon the best scientific information available;

(B) minimize costs where practicable, and avoid unnecessary duplication of regulations;

(C) take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches; and

(D) be designed to achieve an escapement that preserves and strengthens the viability of the Area's natural anadromous fish populations.

**(c) Membership and appointment**

The Council is composed of 11 members as follows:

(1) A representative, who shall be appointed by the Governor of California, of each of the following:

(A) The commercial salmon fishing industry.

(B) The in-river sportfishing community.

(C) The offshore recreational fishing industry.

(D) The California Department of Fish and Game.

(2) A representative of the Hoopa Indian Tribe who shall be appointed by Hoopa Valley Business Council.

(3) A representative, who shall be appointed by the Secretary, of each of the following:

(A) The non-Hoopa Indians residing in the Area.

(B) The Department of the Interior.

(4) A representative, who shall be appointed by the Secretary of Commerce, of each of the following—

(A) The National Marine Fisheries Service.

(B) The Pacific Fishery Management Council.

(5) A representative, who shall be appointed by the Governor of Oregon, of each of the following:

(A) The commercial salmon fishing industry.

(B) The Oregon Department of Fish and Wildlife.

**(d) Consultation requirement**

The appointments required under subsection (c) shall be made in consultation with the appropriate users of Area anadromous fish resources.

**(e) Qualifications**

Council members shall be individuals who are knowledgeable<sup>1</sup> and experienced in the management and conservation, or the recreational or commercial harvest, of the anadromous fish resources in Northern California.

**(f) Terms**

**(1) In general**

The term of a member is 4 years.

**(2) Service**

Members of the Council serve at the pleasure of the appointing authority.

**(3) Vacancies**

Any vacancy on the Council shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

**(g) Transaction of business**

**(1) Procedures**

The Council shall establish practices and procedures for the carrying out of its functions under subsection (b). The procedures shall include requirements that—

(A) a quorum of the Council must be present before business may be transacted; and

(B) no comprehensive plan or recommendation referred to in subsection (b)(1)(A) or (B) may be adopted by the Council except by the unanimous vote of all members present and voting.

**(2) Chairman**

The Council shall elect a Chairman from among its members.

**(3) Meetings**

The Council shall meet at the call of the Chairman or upon the request of a majority of its members.

**(h) Staff and administration**

**(1) Administrative support**

The Secretary and the Director of the California Department of Fish and Game shall provide the Council with such administrative and technical support services as are necessary for the effective functioning of the Council.

**(2) Information**

The Secretary and the Director of the California Department of Fish and Game shall fur-

nish the Council with relevant information concerning the Area.

**(3) Organization**

The Council shall determine its organization, and prescribe the practices and procedures for carrying out its functions under subsection (b).

**(i) Federal or State employees**

Any Council member who is an officer or employee of the United States, the State of California, or the State of Oregon at the time of appointment to the Council shall cease to be a Council member within 14 days after the date on which he ceases to be so employed.

**(j) Expenses**

**(1) Travel expenses**

While away from their homes or regular places of business in the performance of services for the Council, Council members shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed travel expenses under section 5703 of title 5. Any Council member who is an employee of an agency or governmental unit and is eligible for travel expenses from that agency or unit for performing services for the Council is not eligible for travel expenses under this paragraph.

**(2) Limitation on spending authority**

No money authorized to be appropriated under section 460ss-5 of this title may be used to reimburse any agency or governmental unit (whose employees are Council members) for time spent by any such employee performing Council duties.

(Pub. L. 99-552, §3, Oct. 27, 1986, 100 Stat. 3082; Pub. L. 100-653, title VI, §§602(a), 603(1), (2), Nov. 14, 1988, 102 Stat. 3830.)

**Editorial Notes**

**AMENDMENTS**

1988—Subsec. (g)(1). Pub. L. 100-653, §602(a), substituted “Procedures” for “Decisions of Council” as par. heading and amended text generally. Prior to amendment, text read as follows: “All decisions of the Council must be by unanimous vote of all of the members.”

Subsec. (i). Pub. L. 100-653, §603(1), substituted “, the State of California, or the State of Oregon” for “or the State of California”.

Subsec. (j)(1). Pub. L. 100-653, §603(2), inserted provision at end that any Council member who is employee of agency or governmental unit and is eligible for travel expenses from that agency or unit for performing services for Council not be eligible for travel expenses under this par.

**§ 460ss-3. Klamath River Basin Fisheries Task Force**

**(a) Establishment**

There is established a Klamath River Basin Fisheries Task Force (hereafter in this subchapter referred to as the “Task Force”).

**(b) Functions**

The Task Force—

(1) shall assist the Secretary in the formulation, coordination, and implementation of the program;

<sup>1</sup> So in original. Probably should be “knowledgeable”.

(2) shall assist, and coordinate its activities with, Federal, State, and local governmental or private anadromous fish restoration projects within the Area;

(3) shall conduct any other activity that is necessary to accomplish the objectives of the program; and

(4) may act as an advisor to the Council.

**(c) Membership and appointment**

The Task Force is composed of 14 members as follows:

(1) A representative, who shall be appointed by the Governor of California, of each of the following:

(A) The commercial salmon fishing industry.

(B) The in-river sport fishing community.

(C) The California Department of Fish and Game.

(2) A representative of the Hoopa Indian Tribe who shall be appointed by the Hoopa Valley Business Council.

(3) A representative of the Department of the Interior who shall be appointed by the Secretary.

(4) A representative of the National Marine Fisheries Service who shall be appointed by the Secretary of Commerce.

(5) A representative of the Department of Agriculture who shall be appointed by the Secretary of Agriculture.

(6) A representative of the Oregon Department of Fish and Wildlife who shall be appointed by the Governor of Oregon.

(7) One individual who shall be appointed by the Board of Supervisors of Del Norte County, California.

(8) One individual who shall be appointed by the Board of Supervisors of Siskiyou County, California.

(9) One individual who shall be appointed by the Board of Supervisors of Humboldt County, California.

(10) One individual who shall be appointed by the Board of Supervisors of Trinity County, California.

(11) A representative of the Karuk Tribe, who shall be appointed by the governing body of the Tribe,<sup>1</sup>

(12) A representative of the Yurok Tribe, who shall be appointed by the Secretary until such time as the Yurok Tribe is organized upon which time the Yurok Tribe shall appoint such representative beginning with the first appointment ordinarily occurring after the Yurok Tribe is organized.<sup>2</sup>

**(d) Council membership not a bar to Task Force appointment**

An individual who is a member of the Council is not ineligible for appointment as a member of the Task Force.

**(e) Terms**

**(1) In general**

The term of a member of the Task Force is 4 years.

**(2) Service**

Members of the Task Force serve at the pleasure of the appointing authorities.

**(3) Vacancies**

Any vacancy on the Task Force shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

**(f) Transaction of business**

**(1) Procedures**

The Task Force shall establish practices and procedures for the carrying out of its functions under subsection (b). The procedures shall include the requirement that a quorum of the Task Force must be present before business may be transacted.

**(2) Chairman**

The members of the Task Force shall select a Chairman from among its members.

**(3) Meetings**

The Task Force shall meet at the call of the Chairman or upon the request of a majority of its members.

**(g) Staff and administration**

**(1) Administrative support**

The Secretary and the Director of the California Department of Fish and Game shall provide the Task Force with the administrative and technical support services necessary for the effective functioning of the Task Force.

**(2) Information**

The Secretary and the Director of the California Department of Fish and Game shall furnish the members of the Task Force with relevant information concerning the Area.

**(3) Organization**

The Task Force shall determine its organization, and prescribe the practices and procedures for carrying out its functions under subsection (b).

**(h) Members who are Federal or State employees**

Any Task Force member who is an officer or employee of the United States, the State of California, or the State of Oregon at the time of appointment to the Task Force shall cease to be a member of the Task Force within 14 days of the date on which he ceases to be so employed.

**(i) Expenses**

**(1) Travel expenses**

While away from their homes or regular places of business in the performance of services for the Task Force, Task Force members shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed travel expenses under section 5703 of title 5. Any Task Force member who is an employee of an agency or governmental unit and

<sup>1</sup> So in original. The comma probably should be a period.

<sup>2</sup> So in original. Probably should be followed by a period.

is eligible for travel expenses from that agency or unit for performing services for the Task Force is not eligible for travel expenses under this paragraph.

**(2) Limitation on spending authority**

No money authorized to be appropriated under section 460ss-5 of this title may be used to reimburse any agency or governmental unit (whose employees are Task Force members) for time spent by any such employee performing Task Force duties.

**(j) Membership increase upon program expansion**

At such time as the program is expanded to include portions of the Klamath River upstream from the Iron Gate dam, membership on the Task Force shall be increased to include the following—

(1) One individual who shall be appointed by the Commissioners of Klamath County, Oregon.

(2) A representative of the Klamath Tribe, who shall be appointed by the governing body of the Tribe.

(Pub. L. 99-552, § 4, Oct. 27, 1986, 100 Stat. 3084; Pub. L. 100-580, § 12(a), Oct. 31, 1988, 102 Stat. 2935; Pub. L. 100-653, title VI, §§ 601, 602(b), 603(1), Nov. 14, 1988, 102 Stat. 3829, 3830; Pub. L. 102-570, § 2, Oct. 29, 1992, 106 Stat. 4490.)

**Editorial Notes**

**AMENDMENTS**

1992—Subsec. (j). Pub. L. 102-570 added subsec. (j).

1988—Subsec. (c). Pub. L. 100-580, § 12(a)(A), substituted “14” for “12” in introductory provisions.

Subsec. (c)(11), (12). Pub. L. 100-580, § 12(a)(B), added pars. (11) and (12).

Subsec. (f)(1). Pub. L. 100-653, § 602(b), substituted “Procedures” for “Decisions of Task Force” as par. heading and amended text generally. Prior to amendment, text read as follows: “All decisions of the Task Force must be by unanimous vote of all the members.”

Subsec. (h). Pub. L. 100-653, § 603(1), substituted “, the State of California, or the State of Oregon” for “or the State of California”.

Subsec. (i). Pub. L. 100-653, § 601, substituted “Expenses” for “Limitation on spending authority” in heading and amended text generally, designating existing provisions as par. (2) and adding par. (1).

**Statutory Notes and Related Subsidiaries**

**SPECIAL RULE**

Pub. L. 100-580, § 12(b), Oct. 31, 1988, 102 Stat. 2935, provided that: “The initial term of the representative appointed pursuant to section 4(c)(11) and (12) of such Act [16 U.S.C. 460ss-3(c)(11), (12)] (as added by the amendment made by subsection (a)) shall be for that time which is the remainder of the terms of the members of the Task Force then serving. Thereafter, the term of such representatives shall be as provided in section 4(e) of such Act.”

**§ 460ss-4. Enforcement**

**(a) Memorandum of agreement<sup>1</sup>**

In order to strengthen and facilitate the enforcement of Area fishery harvesting regulations, the Secretary shall enter into a memo-

randum of agreement with the California Department of Fish and Game. Such agreement shall specify the enforcement activities within the Area for which the respective agencies of the Department of<sup>2</sup> Interior and the California Department of Fish and Game are responsible and shall contain such provisions as are necessary to ensure the coordinated implementation of Federal and State enforcement activities.

(Pub. L. 99-552, § 5, Oct. 27, 1986, 100 Stat. 3085.)

**§ 460ss-5. Appropriations**

**(a) Authorization**

There are authorized to be appropriated to the Department of the Interior during the period beginning October 1, 1986, and ending on September 30, 2006, \$21,000,000 for the design, construction, operation, and maintenance of the program and for the payment of travel expenses under sections 460ss-2(j) and 460ss-3(i) of this title. Monies appropriated under this subsection shall remain available until expended or October 1, 2006, whichever first occurs.

**(b) Cost-sharing**

(1) 50 percent of the cost of the development and implementation of the program must be provided by one or more non-Federal sources on a basis considered by the Secretary to be timely and appropriate. For purposes of this subsection, the term “non-Federal source” includes a State or local government, any private entity, and any individual.

(2) In addition to cash outlays, the Secretary shall consider as financial contributions by a non-Federal source the value of inkind contributions and real and personal property provided by the source for purposes of implementing the program. Valuations made by the Secretary under this paragraph are final and not subject to judicial review.

(3) For purposes of paragraph (2), inkind contributions may be in the form of, but are not limited to, personal services rendered by volunteers.

(4) The Secretary shall by regulation establish—

(A) the training, experience, and other qualifications which such volunteers must have in order for their services to be considered as inkind contributions; and

(B) the standards under which the Secretary will determine the value of inkind contributions and real and personal property for purposes of paragraph (2).

(5) The Secretary may not consider the expenditure, either directly or indirectly, with respect to the program of Federal moneys received by a State or local government to be a financial contribution by a non-Federal source to carry out the program.

(Pub. L. 99-552, § 6, Oct. 27, 1986, 100 Stat. 3085; Pub. L. 100-653, title VI, § 603(3), (4), Nov. 14, 1988, 102 Stat. 3830.)

**Editorial Notes**

**AMENDMENTS**

1988—Subsec. (a). Pub. L. 100-653, § 603(3), inserted “and for the payment of travel expenses under sections

<sup>1</sup> So in original. No subsec. (b) has been enacted.

<sup>2</sup> So in original. Probably should be “of the”.

460ss-2(j) and 460ss-3(i) of this title” before period at end of first sentence.

Subsec. (b)(3). Pub. L. 100-653, § 603(4), struck out “in carrying out surveys, censuses, and other scientific studies” after “volunteers”.

#### § 460ss-6. Definitions

As used in this subchapter—

(1) The term “program” means the Klamath River Basin Conservation Area Restoration Program established under section 460ss-1(b) of this title.

(2) The term “Secretary” means the Secretary of the Interior.

(Pub. L. 99-552, § 7, Oct. 27, 1986, 100 Stat. 3086.)

#### SUBCHAPTER CV—CROSS FLORIDA NATIONAL CONSERVATION AREA

#### § 460tt. Cross Florida Barge Canal

##### (a) Deauthorization

The barge canal project located between the Gulf of Mexico and the Atlantic Ocean (hereinafter in this section referred to as the “project”), as described in the Act of July 23, 1942 (56 Stat. 703), shall be deauthorized by operation of law immediately upon the Governor and Cabinet of the State of Florida adopting a resolution specifically agreeing on behalf of the State of Florida (hereinafter in this section referred to as the “State”) to all of the terms of the agreement prescribed in subsection (b).

##### (b) Transfer of project lands

Notwithstanding any other provision of law, the Secretary is, subject to the provisions of subsections (d) and (e), directed to transfer to the State all lands and interests in lands acquired by the Secretary and facilities completed for the project in subsection (a), without consideration, if the State agrees to each of the following:

(1) The State shall agree to hold the United States harmless from all claims arising from or through the operations of the lands and facilities conveyed by the United States.

(2) The State shall agree to preserve and maintain a greenway corridor which shall be open to the public for compatible recreation and conservation activities and which shall be continuous, except for areas referred to in subparagraphs (A) and (C) of this paragraph, along the project route over lands acquired by the Secretary or by the State or State Canal Authority, or lands acquired along the project route in the future by the State or State Canal Authority, to the maximum width possible, as determined in the management plan to be developed by the State for former project lands. Such greenway corridor shall not be less than 300 yards wide, except for the following areas:

(A) Any area of the project corridor where, as of November 28, 1990, no land is owned by the State or State Canal Authority.

(B) Any area of the project corridor where, as of November 28, 1990, the land owned by the State or State Canal Authority is less than 300 yards wide.

(C) Any area of the project corridor where a road or bridge crosses the project corridor.

(3) Consistent with paragraph (2) of this subsection, the State shall create a State park or

conservation/recreation area in the lands and interests in lands acquired for the project lying between the Atlantic Ocean and the western boundaries of sections 20 and 29, township 15 south, range 23 east.

(4) The State shall agree, consistent with paragraphs (2), (5) and (6) of this subsection, to preserve, enhance, interpret, and manage the water and related land resources of the area containing cultural, fish and wildlife, scenic, and recreational values in the remaining lands and interests in land acquired for the project, lying west of sections 20 and 29, township 15 south, range 23 east, as determined by the State, for the benefit and enjoyment of present and future generations of people and the development of outdoor recreation.

(5) The State shall agree to pay, from the assets of the State Canal Authority and the Cross Florida Canal Navigation District, including revenues from the sale of former project lands declared surplus by the State management plan, to the counties of Citrus, Clay, Duval, Levy, Marion, and Putnam a minimum aggregate sum of \$32,000,000 in cash or, at the option of the counties, payment to be made by conveyance of surplus former project lands selected by the State at current appraised values.

(6) The State shall agree to provide that, after repayment of all sums due to the counties of Citrus, Clay, Duval, Levy, Marion, and Putnam, the State may use any remaining funds generated from the sale of former project lands declared surplus by the State to acquire the fee title to lands along the project route as to which less than fee title was obtained, or to purchase privately owned lands, or easements over such privately owned lands, lying within the proposed project route, consistent with paragraphs (2), (3), and (4) of this subsection, according to such priorities as are determined in the management plan to be developed by the State for former project lands. Any remaining funds generated from the sale of former project lands declared surplus by the State shall be used for the improvement and management of the greenway corridor consistent with paragraphs (2), (3), and (4) of this subsection.

##### (c) Enforcement

##### (1) Remedies and jurisdiction

The United States is directed to vigorously enforce the agreement referred to in subsections (a) and (b) in the courts of the United States and shall be entitled to any remedies in equity or law, including, without limitation, injunctive relief. The court, in issuing any final order in any suit brought pursuant to this subsection, may, in its discretion, award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party. The United States district courts shall have original and exclusive jurisdiction of any action under this subsection.

##### (2) State remedies

The State shall be entitled to the same remedies listed in paragraph (1) of this subsection in the courts of the State or of the United States.